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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,932	03/26/2004	Yao-Chin Lee	252011-2130	1909
47390 7590 11/14/2008 THOMAS, KAYDEN, HORSTEMEYER & RISLEY LLP 600 GALLERIA PARKWAY, 15TH FLOOR ATLANTA, GA 30339				
EXAMINER PRAKASAM, RAMYA G				
ART UNIT		PAPER NUMBER		
3651				
MAIL DATE		DELIVERY MODE		
11/14/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/810,932

**Applicant(s)**

LEE ET AL.

**Examiner**

RAMYA G. PRAKASAM

**Art Unit**

3651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 30 July 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3, 9, 11-18 and 20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16-18 and 20 is/are allowed.
- 6) ☐ Claim(s) 1, 3, 4, 6, 8, 9, 11, 14 and 15 is/are rejected.
- 7) ☒ Claim(s) 5, 7, 12 and 13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 3-4, 6, 8, 9, 11, and 14-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Kobayashi (US Patent Application Publication No. 2003/0204280).

Kobayashi discloses a tool stocking and sorting system and method, comprising:

- A first tool storage storing a first tool currently in use (TEQ1);
- A second tool storage storing a second tool not currently in use (TEQ2)
- A third tool storage serving as an outlet for a third tool not in use (LS)
- A host system (FHST) adapted to re-locate the first, second and third tools among the first, second and third storage as a function of demand data pertaining to a product corresponding to the respective tool (See Paragraph 57)
- Wherein demand data is order or order prediction data (See Paragraph 4 - order information is based on priority and FIFO rules).
- Wherein the host system calculates a first idle time, and resets the first idle time when demand data of the product corresponding to the first tool is received. (See Paragraph 57).

- Wherein the host system issues a first return command to move the second tool from second tool storage to first tool storage when demand data of the product corresponding to the second tool is received (See Paragraph 62).
- Wherein the host system issues a second return command to move the third tool from third tool storage to first tool storage when demand data of the product corresponding to the third tool is received (See Paragraphs 93-95).

***Allowable Subject Matter***

3. Claims 16-18 and 20 are allowed.
4. Claims 5, 7, and 12-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
5. The following is a statement of reasons for the indication of allowable subject matter: Claims 5, 12, and 16 recite a system and method wherein the host system determines a first time limit and issues a first transfer command to move the first tool from the first tool storage to the second tool storage when the first idle time exceeds the first time limit. Claims 7, 13 and 16 recite a system and method wherein the host system determines a second time limit, calculates a second idle time, and issues a second transfer command to move the second tool from the second tool storage to the third tool storage when the second idle time exceeds the second time limit. These limitations, in combination with the other limitations of the claims, were not found in the relevant prior art.

***Response to Arguments***

6. Applicant's arguments, see Pre-Appeal Brief Request for Review, filed 7/30/2008, with respect to the rejection(s) of claim(s) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Kobayashi

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RAMYA G. PRAKASAM whose telephone number is (571)272-6011. The examiner can normally be reached on Monday - Thursday, 8:30am-7pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on (571) 272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gene Crawford/  
Supervisory Patent Examiner, Art Unit  
3651

11/10/2008  
RGP